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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/046,654	10/26/2001	Cheryl L. Neofytides	020375-000220US	1069
20350 7590 01/10/2007 TOWNSEND AND TOWNSEND AND CREW, LLP TWO EMBARCADERO CENTER EIGHTH FLOOR SAN FRANCISCO, CA 94111-3834			EXAMINER CHARLES, DEBRA F	
			ART UNIT	PAPER NUMBER
			3691	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/10/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/046,654

Applicant(s)

NEOFYTIDES ET AL.

Examiner

Debra F. Charles

Art Unit

3691

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 October 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>1/23/06, 4/15/05, 2/11/05</u> . | 6) <input checked="" type="checkbox"/> Other: <u>IDS 11/17/03, 2/14/03</u> . |

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gallagher et al.(US 7031939 B1) and Levchin et al.(US 7089208 B1).

Claims 1,2,11,12,15, 19, 22: Gallagher et al. disclose a method for automatically transferring credit between a stored value fund and a handler using a wide-area computer network(Abstract, col. 1, line 40-col. 2, line 60), the method comprising:
receiving automated transfer information at a server computer system from the wide-area computer network coupled to a user associated with the stored value fund(col. 2, lines 25-60, col. 4, lines 20-35);
determining the handler chosen by a user for an automated transfer(col. 2, lines 25-60, i.e. checking account, credit card, col. 4, lines 20-35);

determining the direction of the automated transfer with respect to the stored value fund(col. 4, lines 20-35);

determining an amount for the automated transfer(col. 2, lines 60-col. 30, col. 8, lines 30-55, col. 11, lines 4-45).

Gallagher et al. fail to teach automatically transferring the amount between the stored value fund and the handler; further comprising a step of determining if a transfer period has expired; a credit balance in the stored value fund meeting a threshold; and a period of time expiring. However, Levchin et al. does teach financial server may be configured to automatically generate a charge or credit to a user's account with an external financial institution when the user's system account balance falls below or rises above a predetermined threshold(col. 5, lines 55-67).

Therefore, it would have been obvious to one of ordinary skill in the art the time the Applicant's invention was made to modify the teachings of Gallagher et al. to include the step of Levchin et al. The motivation to combine these references is to facilitate automated transaction processing.

Re claims 3 and 20: Gallagher et al. disclose further comprising a step of determining if a threshold amount is crossed(col. 11, lines 20-45).

Claims 4, 16 and 21: Gallagher et al. disclose the determining the amount step comprising a step of determining the difference between the threshold amount and a balance of the stored value fund; and the difference is equal to the amount(col. 10, lines 15-45).

Claim 5: Gallagher et al. disclose wherein the amount is included in the automated transfer information(col. 8, lines 30-50).

Claim 6: Gallagher et al. disclose further comprising a step of electronically notifying the user of the automated transfer, wherein the electronic notification includes at least one of a web page, an instant message, an e-mail message, a pager message, and a wireless phone message(col. 3, lines 15-30, col. 7, lines 40-col. 8, lines 20).

Re claims 7, 14, 18, 23 and 24: Gallagher et al. disclose wherein the server computer system comprises a plurality of computers coupled together by a computer network(Fig. 1, col. 3, lines 5-65) .

Re claims 8, 9 and 17: Gallagher et al. disclose wherein the handler includes at least one of a bank, a credit card company, a debit card company, an agent location, a stored value fund, an airline mileage program, a gift certificate issuer, an electronic gift certificate issuer, and a money order issuer; and wherein the amount corresponds to at least one of: currency, monetary value, airline mileage, promotional program points, gift certificate credit, and commodities(col. 4, lines 20-35).

Re claim 10: Gallagher et al. disclose wherein the automatically transferring step comprises at least one of the following steps:

- transferring the amount with a bank account;
- transferring the amount with a credit card or debit card;
- transferring the amount in a check or money order;
- transferring the amount to another's stored value fund;
- transferring the amount to an agent location chosen by the user;
- transferring a telegram or a greeting card with a check or money order for the amount; and
- transferring an electronic greeting card with an electronic payment notification for the amount embedded therewith(col. 10, lines 5-67).

Re claim 13: Gallagher et al. disclose wherein the user, the handler and the server computer system are remotely located with respect to each other(Fig. 1, col. 3, line 30-col. 4, line 35).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Debra F. Charles whose telephone number is (571) 272 6791. The examiner can normally be reached on 9-5 Monday thru Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander G. Kalinowski can be reached on (571) 272 6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Debra F. Charles
Examiner
Art Unit 3691



HANI M. KAZIMI
PRIMARY EXAMINER